

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RONNIE CABANA RIPOYLA,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 1:22-cv-01220-CDB (SS)

ORDER ON STIPULATION EXTENDING
NUNC PRO TUNC FILING DATE FOR
PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT

(Doc. 17)

Pending before the Court is the parties' stipulation for order in which Plaintiff Ronnie Cabana Ripoyla ("Plaintiff") requests a 60-day extension of time to file any motion for summary judgment. (Doc. 17). Previously, Plaintiff filed a notice of 30-day extension (Doc. 15), extending the time for the filing of his summary judgment motion from January 30, 2023, to March 1, 2023. On February 23, 2023, Attorney Dolly Marlo Trompeter, Esq. filed a notice of appearance on behalf of Plaintiff. (Doc. 16).

The pending stipulation was filed on the due date of Plaintiff's motion for summary judgment (March 1, 2023). (Doc. 17). Requests for extensions of time in the Eastern District of California are governed by Local Rule 144, which provides: "Counsel shall seek to obtain a necessary extension from the Court or from other counsel or parties in an action as soon as the need for an extension becomes apparent." L.R. 144(d).

1 Plaintiff's counsel's states she needs an extension of time because she "has 10 merit
2 briefs, and several letter briefs and reply briefs. Additional time is needed to thoroughly brief
3 this matter for the Court." (Doc. 17 at 2). Plaintiff's counsel also notes she has limited working
4 time due to a close family member's poor health. *Id.*

5 The Court is sympathetic to Plaintiff's counsel situation; however, it should have become
6 apparent when counsel entered her appearance, eight days before the Court's deadline, that such
7 an extension was needed, and, hence, under Local Rule 144, Plaintiff was required to file her
8 current request for extension of time before now.

9 The Court disfavors granting *nunc pro tunc* relief and directs Plaintiff to exercise better
10 care in anticipating any future requests for extensions of time and filing such requests well
11 before the terminal filing date that Plaintiff seeks to extend. However, under the circumstances,
12 Plaintiff has demonstrated good cause for the extension.

13 Accordingly, it is HEREBY ORDERED, Plaintiff shall have a 60-day extension of time,
14 from March 1, 2023, to May 1, 2023, for Plaintiff to serve and file Plaintiff's motion for
15 summary judgment. All other dates in the Court's Scheduling Order (Doc. 6) shall be extended
16 by 60 days.

17 No further extension will be granted without a timely-filed request by one or both parties
18 and showing of good cause.

19 IT IS SO ORDERED.

20 Dated: March 2, 2023

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22 UNITED STATES MAGISTRATE JUDGE
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